

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

U.S.A.,	§	
	§	
Plaintiff,	§	
VS.	§	
	§	
\$43,133.00 (FORTY-THREE THOUSAND	§	CIVIL ACTION NO. L-08-97
ONE HUNDRED THIRTY-THREE	§	
DOLLARS) UNITED STATES CURRENCY	§	
	§	
Defendant.	§	

MEMORANDUM AND ORDER

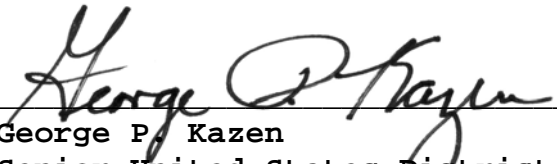
Pending is a motion by Plaintiff United States of America, ("the Government") for default judgment against forty-three thousand one hundred thirty-three dollars (\$43,133.00) of United States currency ("the currency"). (Dkt. 18.)

The Government filed a complaint against the currency on July 17, 2008. (Dkt. 1.) Claimant Alpha Oumar Sow was served with direct notice on July 30, 2008. (Dkt. 2.) Sow filed an answer to the complaint on August 25, 2008. (Dkt. 3.) The Government published notice in the *Laredo Morning Times* on September 3, 10, and 17, 2008. (Dkt. 6.) On December 8, 2008, the parties filed a joint status report advising the Court that Sow had passed away in September, 2008. (Dkt. 5.) The Court granted the parties' request that Sow's attorney be given thirty days to determine whether Sow's estate would proceed with his claim. (Dkt. 7.) The Government moved for default judgment on

January 12, 2009. (Dkt. 8.) Sow's estate filed a "Proof of Claim" on March 17, 2009. (Dkt. 11.) On March 26, 2009, the Court denied the Government's motion for default judgment without prejudice, because it was unclear whether the Government intended to waive the apparent untimeliness of Sow's claim. (Dkt. 12.) In a status report of April 10, 2009, the parties advised the Court that the action "may ultimately be resolved without the need for trial." (Dkt. 14.) Although the Magistrate Court issued a scheduling order on May 11, 2009 (Dkt. 16), the docket reflects no subsequent activity until November 2, 2009, when the Magistrate Court ordered another joint status report. (Dkt. 17.) On November 5, 2009, the Government filed a supplemental motion for default judgment. (Dkt. 18.) On November 9, 2009, Sow's estate filed notice of its intention to abandon the claim. (Dkt. 19.)

No other claims have been filed, and there is no indication of any additional potential claimants who would be entitled to direct notice under Rule G(4)(b), Fed. R. Civ. P. The deadline for any other potential claimants has passed. See Rule G(5)(ii)(B). Accordingly, the Court GRANTS the Government's motion for default judgment (Dkt. 18).

DONE at Laredo, TX, this 3rd day of February, 2010.


George P. Kazen
Senior United States District Judge